

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

APOTEX, INC.,

Plaintiff,

v.

**DAIICHI SANKYO, INC. and
DAIICHI SANKYO CO., LTD.**

Defendants.

Case No.: 12-CV-09295

**Judge Sharon Johnson Coleman
Magistrate Judge Mary M. Rowland**

DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT

Pursuant to Federal Rule of Civil Procedure 12(b)(1), Defendants Daiichi Sankyo, Inc. and Daiichi Sankyo Co., Ltd. (collectively "Daiichi Sankyo") hereby move to dismiss Plaintiff Apotex, Inc.'s ("Apotex") amended complaint for the reasons set forth in the attached supporting memorandum.

Dated: April 9, 2013

Respectfully submitted,

/s/ David C. Van Dyke

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***Attorneys for Defendants, Daiichi Sankyo,
Inc. and Daiichi Sankyo Co., Ltd.***

CERTIFICATE OF SERVICE

The undersigned attorney, upon oath, hereby certifies that he served a copy of the foregoing Motion to Dismiss Plaintiff's Amended Complaint upon the parties by causing a true and correct copy thereof to be electronically filed and delivered using the Court's ECF system on the 9th day of April, 2013.

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Dated: April 9, 2013

/s/David C. Van Dyke